

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Sean Fontae Whitley

Date of Original Judgment: July 6, 2005

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:04-CR-166-1HUSM No: 56598-054

Andrew Kukorowski

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(1)(B)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(1)(B) for a modification of an imposed term of imprisonment to the extent otherwise expressly permitted by statute and as provided by Section 404 of the First Step Act of 2018, and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of n/a months is reduced to n/a.

(Complete Parts I and II of Page 2 when motion is granted)

Although application of the Fair Sentencing Act reduces the statutory penalty from not less than 10 years to life imprisonment to not less than 5 years to 40 years imprisonment, the bottom of the guideline range, from which the court departed, remains 360 months. As such, a reduction in the term of imprisonment is not appropriate.

The term of supervised release is reduced to 4 years.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as otherwise provided, all provisions of the judgment(s) dated July 6, 2005, shall remain in effect. **IT IS SO ORDERED.**

Order Date:

8/6/19


Judge's signature

Effective Date:

(if different from order date)

Malcolm J. Howard Senior U.S. District Judge

Printed name and title